

One- and Two-Family Usable Open Space

2023 Arlington Town Meeting

James Fleming

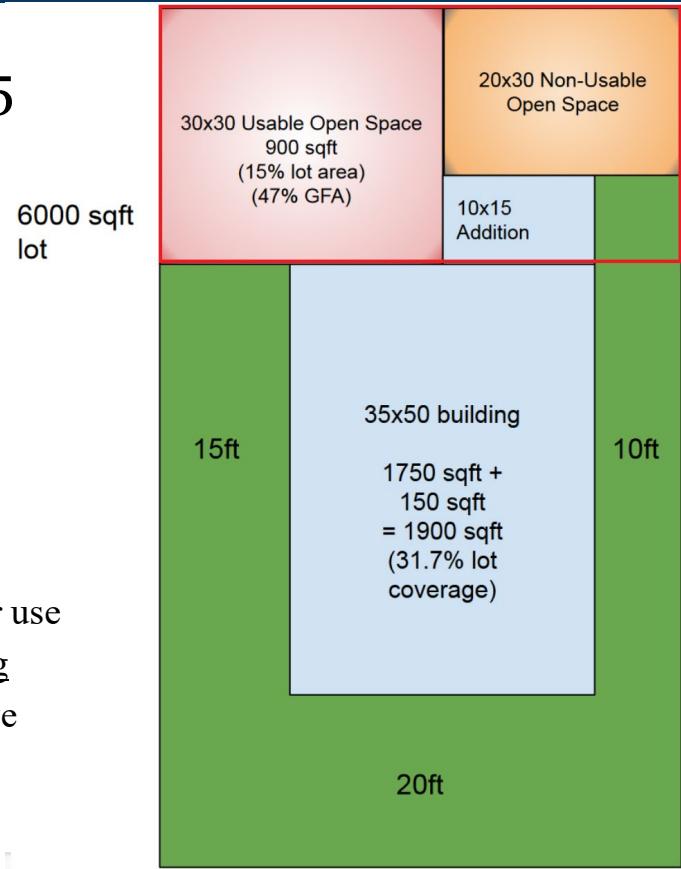
Usable Open Space (UOS)

- Continuous space, minimum of 25x25
 - Does not have to be green space

- More living space -> More UOS

- For enjoyment by residents:

“The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, ... , free of automotive traffic and parking...”



Proposal

- Remove the UOS requirement for One- and Two-Family homes:
 - Don't prevent owners from creating UOS
 - Don't require owners to have UOS

Other Towns?

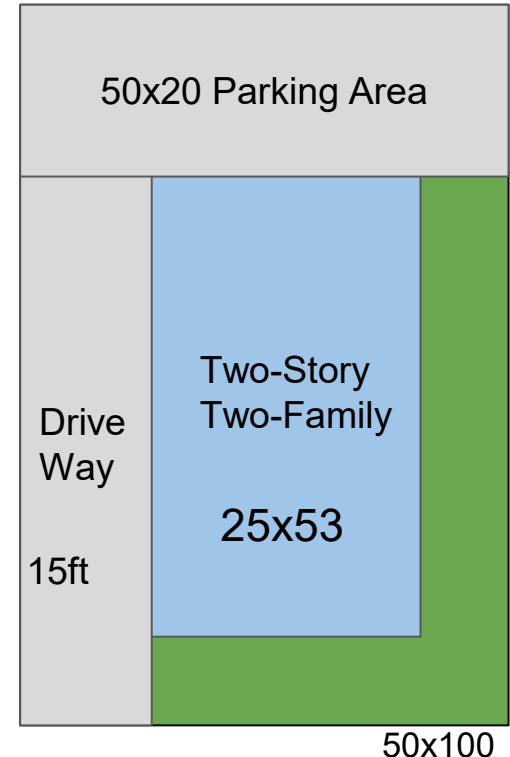
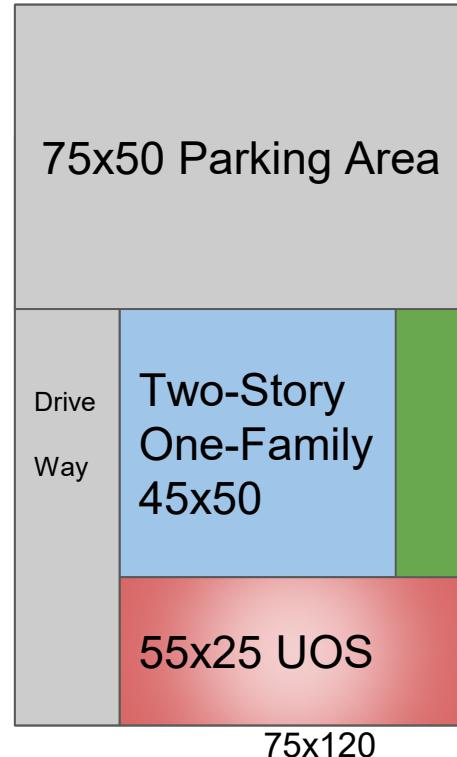
- Lexington, Belmont, Winchester, Waltham don't have UOS at all
- Medford has similar Usable Open Space, based on floor area, with minimum dimensions, but not required for 1F/2F

Impact on Parking

- More parking possible if:
 - Property is just barely conforming with UOS
- Uncommon

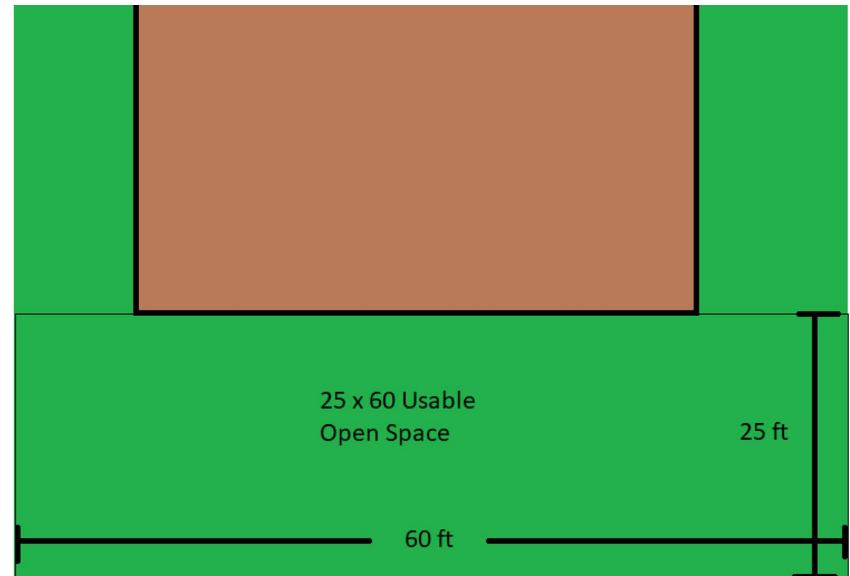
Impact on Parking (cont'd)

- Backyards can currently be paved over for parking if:
 - Front yard provides enough UOS (left)
 - Lot Has No UOS (right)



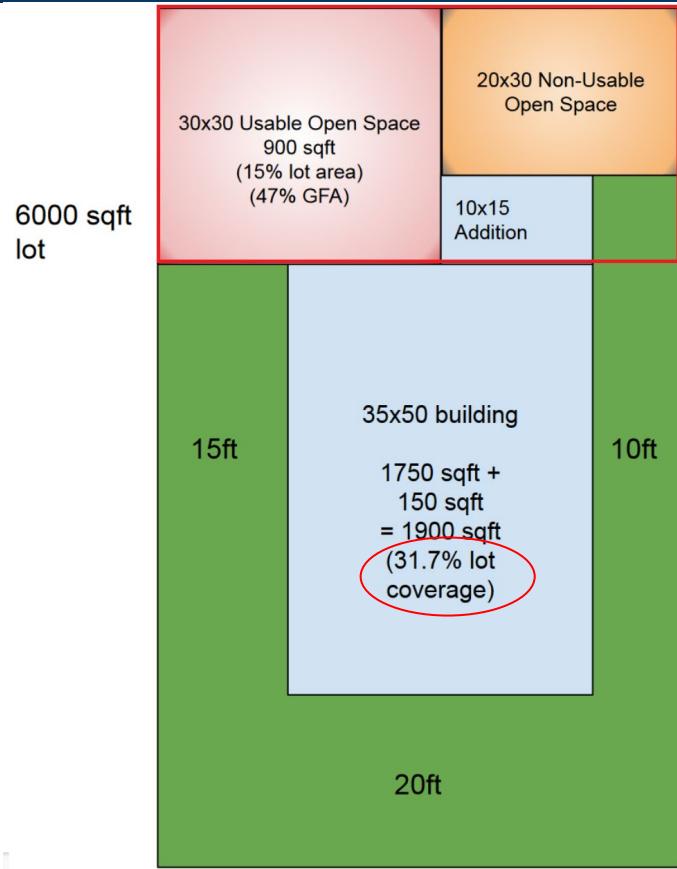
Doesn't Have An Effect Everywhere

- Smallest One-Family zoning requires:
 - 25 ft front yard setback
 - 60 feet minimum lot width
- Front yard is always going to provide Usable Open Space



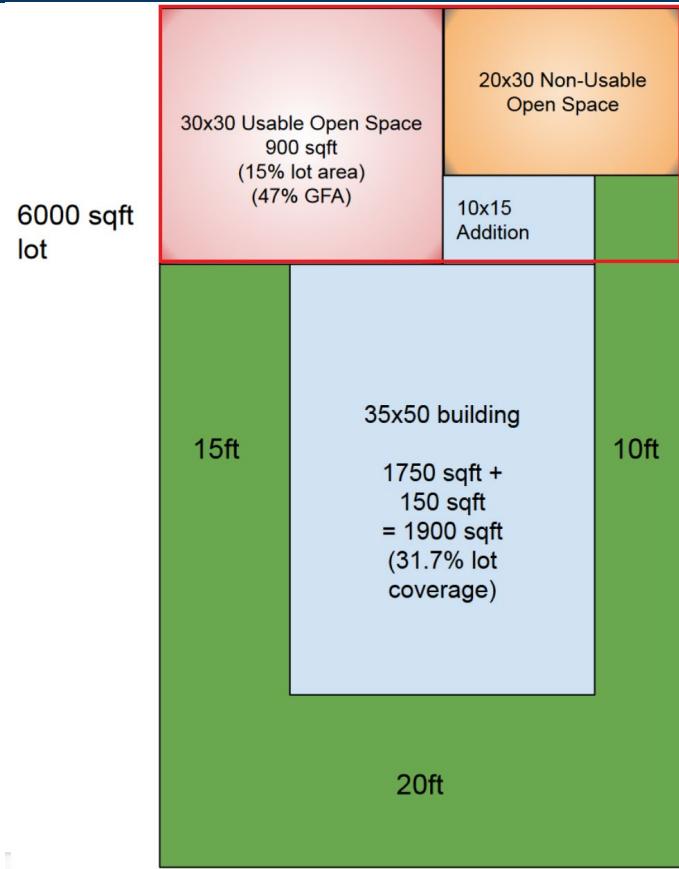
Doesn't Increase Building Area

- Building can be at most 35% of the lot
- Removing UOS doesn't change this
 - Removal allows non-built space to be differently shaped



Affects Two- and older One-Family

- Two-Family zoning requires:
 - 20 ft front yard setback
 - 60 feet minimum lot width
- Old, non-conforming One-Family homes
- UOS in backyard only

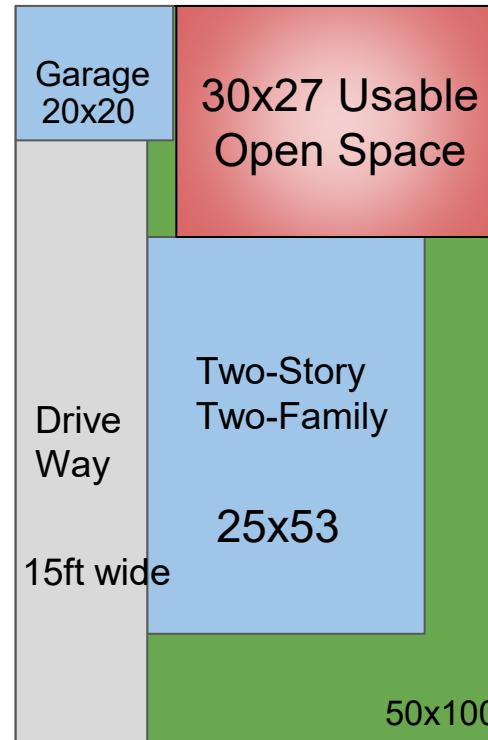


Why? Can prevent old building adaptation

- **Problem:** Requirement grows as living space grows; you can't increase yard space.
- Can prevent an owner from adapting their home to their needs

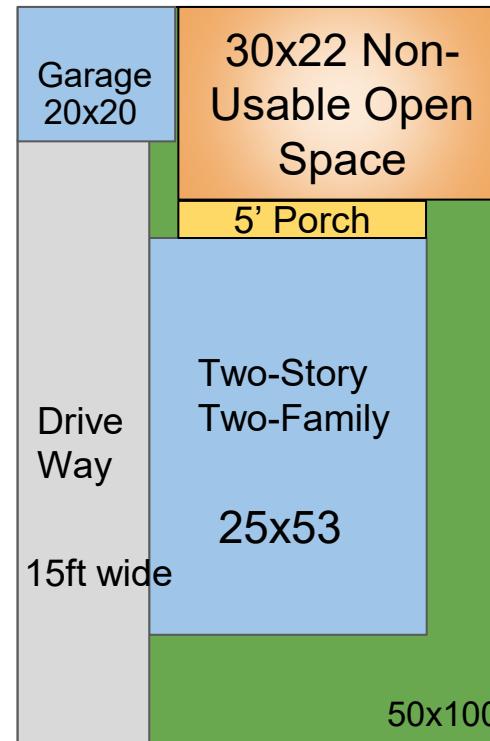
Why? Can prevent old building adaptation

- Example on the right is just barely conforming. Has:
 - 2650 ft^2 living space
 - 810 ft^2 UOS
- Requirement is 795 ft^2 UOS
 - 30% of 2650 ft^2
- $810 > 795$



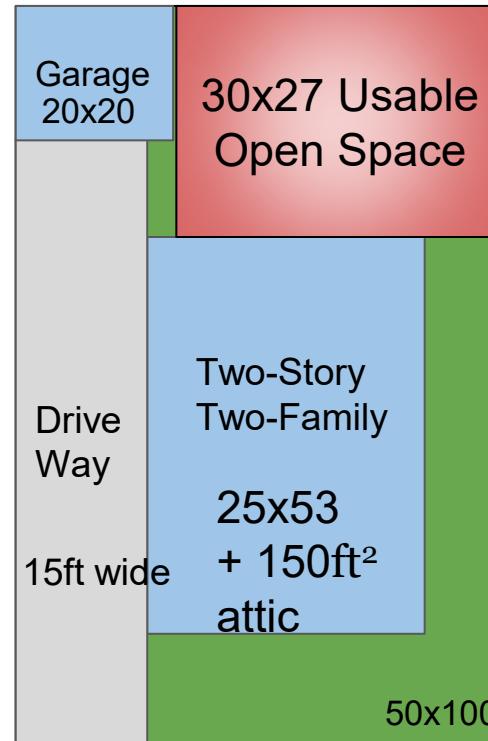
Why? Can prevent old building adaptation

- After adding porch, example is now nonconforming:
 - 2650 ft² living space
 - No UOS
- Requirement is 795 ft² UOS
 - 30% of 2650 ft²
- 0 < 795
 - Cannot create nonconformities



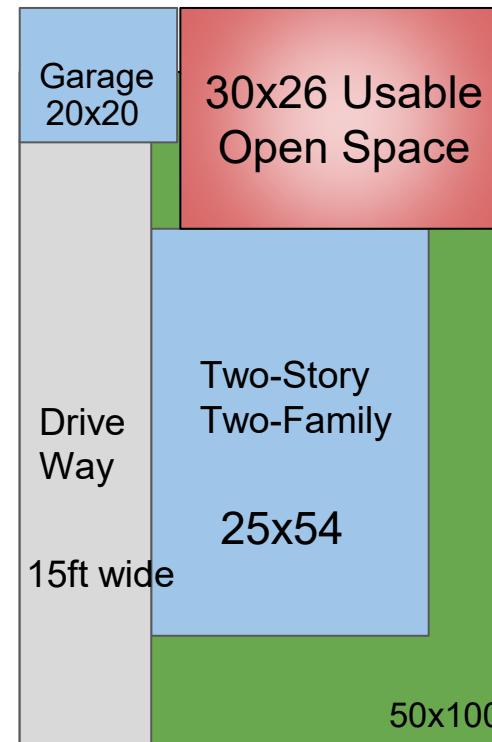
Why? Can prevent old building adaptation

- Attic expansion creates nonconformity:
 - 2800 ft² living space
 - 810 ft² UOS
- Requirement is 840 ft² UOS
 - 30% of 2800 ft²
- $810 < 840$
 - Cannot create nonconformities



Why? Unfair To Conforming Homes

- Example on the right is just barely **non-conforming**. Has:
 - 2700 ft² living space
 - 780 ft² UOS
- Requirement is 810 ft² UOS
 - 30% of 2700 ft²
- 780 < 810
 - Non-conforming homes can dormer by right up 1/2 story



Why? Unfair To Homeowners

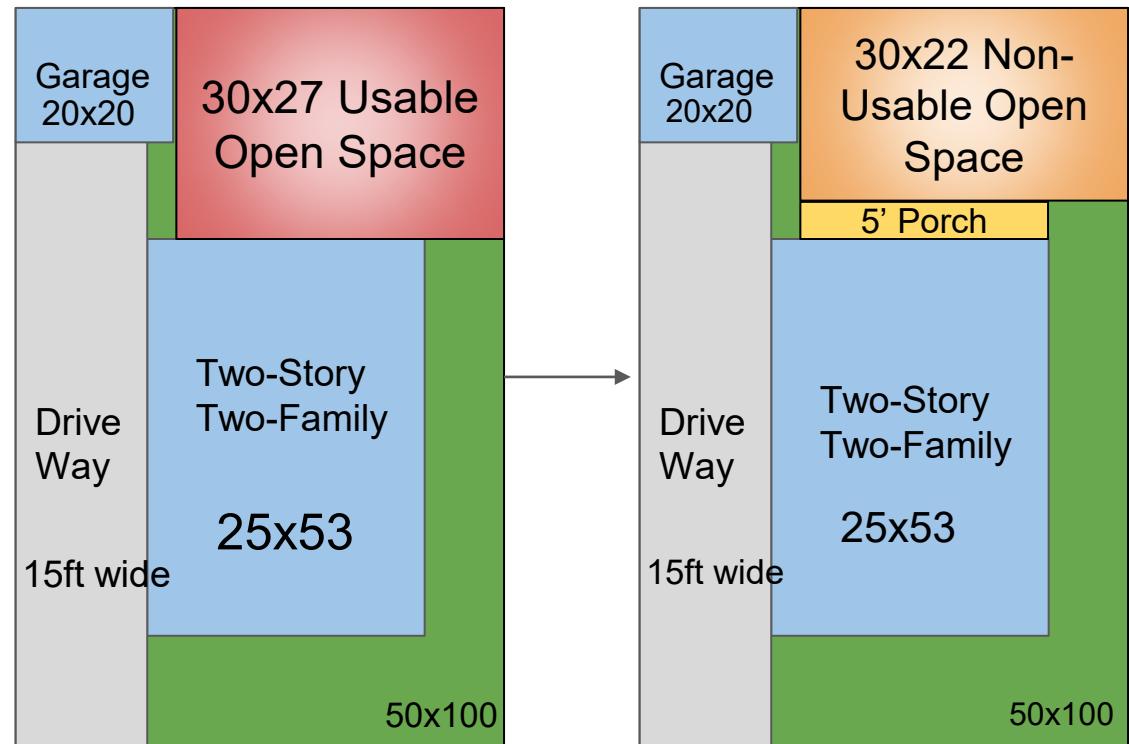
- Knowing in advance requires you to:
 - Understand all the details of the zoning bylaw
 - Measure the backyard of a house accurately
 - Measure the floor area of the house accurately
- Nobody does this.
- UOS should not prevent an owner making incremental additions as needs change.

Why Remove Instead Of Modify UOS?

- Options For Modification:
 - Reduce percentage from 30%
 - Reduce minimum dimension from 25ft
 - Base on lot area
 - (Combinations of above)
- No option solves the problems I'm trying to solve, without creating more problems

Example: Reduce %

- Reduce requirement from 30% to 25%
- Here, porch could not be added because UOS is reduced to 0.



Why? “Usable” is Subjective

- Everyone has a different opinion on what “usable” means.
- “Usable Open Space” does not mean “green space”
- Homebuyers can choose not to buy a house if they don’t like the yard
- Homeowners know whether reducing yard space is acceptable for them

Why? Other Dimension Constraints

- Even removing UOS, home are still limited by:
 - Lot coverage (35%)
 - Front setbacks (20-25ft)
 - Side setbacks (10ft)
 - Rear setbacks (20ft)
- There will always be yard space.
- Special permit required for very large additions

Summary

- Proposal would remove Usable Open Space requirements for One- and Two- Family districts
- Other towns don't require it
- UOS can limit adapting old homes
- Other dimensional requirements keep development in check